



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
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August 25, 2003

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

ROBERT BYBEE
DONNA BYBEE
2014E 1800N
TERRETON ID 83450

Re: Application for Transfer (unnumbered)

Dear Applicants:

The Department of Water Resources is currently reviewing your application for transfer of water rights to transfer from irrigation use near Mud Lake to a pond near Island Park Reservoir. After preliminary review of the application, some concerns were identified regarding injury issues that may result from your proposed changes.

A hydrologic review was completed for your transfer (see attached) and found that the change would result in diversion of water from a different aquifer and could result in injury to water right holders within the proposed source. In 1993, the Director of IDWR issued a Moratorium Order prohibiting new appropriations of water from surface and ground water sources within the Snake River Basin upstream from Milner Dam. If approved, your transfer would amount to a new appropriation within the moratorium area.

You may wish to withdraw your application or amend it with an alternate proposal that will avoid injury to other water right holders. The Department will hold further processing of this application for 30 days to allow submittal of a withdrawal or amendment or any additional information you may wish to submit in support of your existing application. Additional time may be granted by the Department upon receipt of a written request and sufficient justification for an extension. After that time, if we do not receive a response from you regarding the application, the Department will issue a preliminary order to reject or deny the application.

If you have questions, please feel free to contact the department.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

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Enclosure